IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 4642 of 2005

Between:

D.Sudershan, S/o.Laxmaiah,
EC No.5481, Nuclear Fuel Complex,
Hyderabad.

..... PETITIONER

AND

1 Govt. of Andhra Pradesh, rep.by its Prl.Secretary,

Social Welfare (CV.2)Department,
Secretariat, Hyderabad.
2 The District Collector, R.R.District, Hyderabad.
3 The Chief Executive, Nuclear Fuel Complex, Government of India,
Department of Atomic Energy, ECIL, Hyderabad.
4 The Administrative officer, Nuclear Fuel Complex,

Government of India, Department of Atomic Energy, ECIL,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the 3rd Respondent in proceedings with the department enquiry initiated in pursuance of proceedings bearing No.NFC/Vig/1/01/5481/809, dated 3-11-2004 as illegal, arbitrary and contrary to the orders of this Hon'ble court by issuing appropriate writ, order or direction more particularly in the nature of Mandamus and consequently direct the 3rd Respondent to post pone the enquiry till the appeal dated 18-11-2004 is disposed off by the 1st Respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.RAMA SUBBA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR SOCIAL WELFARE
Counsel for the Respondent Nos.3 and 4: MR A.RAJASEKHAR REDDY

The Court at the stage of admission made the following:

ORDER:

Declaring the action of the 3rd respondent in proceeding with the departmental enquiry, initiated in pursuance of the proceedings No.NFC/Vig./1/01/5481/809, dated 03.11.2004, as illegal and arbitrary, and for consequential direction to the 3rd respondent to postpone the enquiry till the appeal dated 18.11.2004 is disposed of by the

1st respondent, the present writ petition is filed.

The 2nd respondent/District Collector, Ranga Reddy District passed an order dated 02.12.2003, cancelling the social status certificate issued to the writ petitioner. Challenging the same, the writ petitioner filed an appeal before the 1st respondent and it is pending. In the meanwhile the writ petitioner was called upon to submit his defence by proceedings dated 03.03.2005, issued by the 4th respondent. Challenging the same, the present writ petition is filed.

The learned counsel for the petitioner contended that the

3rd respondent has to wait till the disposal of the appeal dated 18.11.2004 before the 1st respondent, and therefore, a direction may be given to the respondents not to proceed against the petitioner departmentally.

On the other hand, the learned standing Counsel, appearing for the 3rd respondent, contended that unless departmental proceedings are completed, no final decision will be passed by the 3rd respondent.

The subject matter of the disciplinary enquiry and the appeal pending before the 1st respondent is one and the same. The departmental proceedings are based upon cancellation of the caste certificate by the 2nd respondent/District Collector, Ranga

Reddy District, which is the subject matter of the appeal before the 1st respondent.

In view of the facts and circumstances of the case, the departmental proceedings can be postponed till the decision that may be taken by the 1st respondent in the appeal petition dated 18.11.2004. Till then, the departmental proceedings can be differed.

In the result, the Writ Petition is allowed, directing the

3rd respondent to differ the departmental proceedings against the petitioner till the date of disposal of the appeal before the

1st respondent. No order as to costs.

Dated: 10.03.2005

Dsr

ASSISTANT REGISTRAR

Note:

Issue order by wire

at party's costs.

B/o

Dsr

To:

1. The Principal Secretary,

Government of Andhra Pradesh,

Social Welfare (CV.2) Department,

Secretariat, Hyderabad

2. The District Collector,

R.R.District, Hyderabad

3. The Chief Executive,

Nuclear Fuel Complex,

Government of India,

Department of Atomic Energy,

ECII, Hyderabad

4. The Administrative Officer,

Nuclear Fuel Complex,

Government of India,

Department of Atomic Energy,

ECII, Hyderabad

5. Two CCs to the Government Pleader for

Social Welfare, High Court Buildings,

Hyderabad (OUT)

6. Two CD copies

7. 1 CC to MR.RAMA SUBBA RAO